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Regional Integration through Common Policies: A Case-Study of the Free Movement Policy in the EU and the ECOWAS

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Abstract: This paper juxtaposes the conceptualization of the EU and ECOWAS and applies it to analyze the progress of both EU and ECOWAS integration process. The free movement policy within both the EU and ECOWAS was used as a case study. The paper basically relied and built on existing literature on the EU and ECOWAS regional integration efforts. The paper reveals that, unlike the EU that has chalked many successes in its regional integration efforts, ECOWAS has been on the reverse due to largely the political instability and bad governance that have plagued many ECOWAS countries; as well as the weakness of the national economies. The EU has delivered half a century of prosperity, peace and stability, raised the living standards within EU, and launched a free movement policy as well as a single European currency (the Euro), by contrast, the dream of ECOWAS single currency 'the Eco' has been a mirage, the only field ECOWAS region and the issuance of a single ECOWAS themed passport among Member countries.

Keywords: ECOWAS, EU, Free Movement, Regional Integration

Greater regional integration -if done right- can be complementary to the process of global integration-in both seizing the opportunities presented by globalization, and in guarding against and overcoming the attendant vulnerabilities and challenges. Indeed, for small open economies...regional integration may be critical in helping overcome some of the natural disadvantages and limitations that small nation states face with respect to the unavoidable forces of globalization.

Introduction

The prospect of a successful regional integration remains an important economic and political goal in the world. The European Union (EU) is not the only inter-state bloc immersed in a process of regional integration. In other parts of the world, there are similar

processes: for instance the African Union: the Association of South-East Asian Nations; the Arab League; the Economic Community of West African States (ECOWAS) among others. EU and ECOWAS were both created with objective in mind, 'fostering one economic Cooperation and promoting regional integration'. To juxtapose, EU has been a much better success than ECOWAS. The EU has long been regarded as the most developed model of regional integration that has guided the dream of Europeanization to survive many crises including the 2008 financial crisis and the current refugees challenge in Europe.

For several decades, African leaders have articulated an ambitious vision of a unified vibrant economy and encapsulated this vision in a series of continental documents and treaties. including the Lagos Plan of Action and the Abuja Treaty. Yet, several assessments of the continent's regional integration efforts have concluded that, while there has been some progress. achievements have not matched ambitions. There have been several attempts to achieve regional integration comparable to Europe such as what ECOWAS aim to achieve but it has failed to achieve anything resembling the success or progress of the EU. "No other regional body is anywhere near the EU in terms of political or economic cooperation, let alone integration. Indeed, no other grouping has even gotten to first base in terms of the basic requirements of integration, namely dealing with historical reconciliation and developing the necessary political will." There have been innumerable declarations from groupings in Asia and

Africa about the desirability of closer cooperation and even integration, but the record shows that the rhetoric has not been matched by action. Although the EU is also guilty of exaggerated rhetoric, it has steadily moved forward even if on occasion it seems to take two steps forward, one step back.

The success and experience of the EU is regarded as the epitome and model of regional integration. In West Africa, the EU in no doubt has had a key influence in the dynamics of regional integration in the sub-region. The EU considers regional integration as a key tool for regional development. According to the European Commission, 'open regionalism' contributes their to integration in world economy and plays a key role in conflict prevention and peace consolidation. Therefore, the EU 'in light of its experience and the instruments at its disposal' provides support to developing countries in their regional initiatives. The EU has delivered half a century of prosperity, peace and stability, raised the living standards within EU, and launched a free movement policy as well as a single European currency (the Euro). By experience contrast. ECOWAS has more political instability since its conception in 1975 than peace and stability. The dream of a single currency 'the Eco' has been a mirage, the only field ECOWAS seems to be doing well it its protocol on free movement within the ECOWAS region.

According to Touzenis, both the EU and the ECOWAS States have created a legal framework for the free movement of persons and goods within their respective regions. Both of these free movement regimes were born out of a

wish on the part of the states concerned to create stability and the conditions for prospect and peace within the external borders of the region. The goal of the paper is to explore the potency of free movement in regional integration efforts within the EU and the ECOWAS. The paper is an explorative research and heavily relied on various past and present literatures on both EU and ECOWAS integration policies. The paper begins by critically reviewing the term regional integration. The paper then looks at both EU and ECOWAS regional integration effort by using the free movement policy within both the EU and ECOWAS to examine the success or the failure of the respective regional integration efforts. It is important to note that, the EU integration process and more importantly its Treaties free on movement (including the Schengen agreement) was only briefly examined in the paper, I acknowledge that EU Treaties and agreements are very comprehensive and needs more time to analyze.

Regional Integration

The revival of interest in regional integration and cooperation is а worldwide phenomenon, inspired by the success of the European experience. It also reflects a growing appreciation of the benefits to be derived from regional unity' and cooperation in meeting the challenges posed by increasingly competitive world markets. Regional integration can be defined as a process in which states enter into a regional agreement in order to enhance regional cooperation through regional institutions and rules. In the past decades, moves towards regional integration have been on the rise with most countries seeking to strengthen their cooperation with other neighborhood countries. For instance in Europe, the 1993 Maastrich Treaty gave birth to the EU, which enlarged and built upon the European Economic Community.

According to Hartzenberg, regional cooperation usually begins in the form of economic integration and as it continues, comes to include political integration as in the case of the EU. Regional Integration as associations of states are often formed based upon location in a given geographical area and a treaty or other protocol arrangements that usually determine terms of association. For instance, the African paradigm is that of linear market integration, following stepwise integration of goods, labor and capital markets, and eventually monetary and fiscal integration. The starting point is usually a free trade area, followed by a customs union, a common market. and then the integration of monetary and fiscal matters to establish an economic union. The achievement of a political union, features as the ultimate objective in many African Regional Integration Agreements.

Regional economic integration has enabled countries to focus on issues that are relevant to their stage of development as well as encourage cooperation between neighbors. Perhaps the key objectives of any regional bloc has always been strengthening of trade and people integration in the region; contribution to peace and security in the region; development of strong sector institutions and good governance; and more importantly, strengthening of the region interaction with other regions of the world. Achieving a successful regional integration does not come easy due to contradiction arising from different state interest. According to Roy and Dominguez, the aspiration of regional integration processes is to become a space of conciliation between the creation of regional common goods and national interests, cultures, practices and policies. Models and ideas. however, do not always sublimate in concrete actions. even the most developed institutional exercise of regional integration, the EU. is commonly overwhelmed bv the contradictions and obstacles of the institutional architecture and the interests of the Member states (ibid.).

According to the African Development Bank, regional integration in general can be classified into five main forms using the rising degree of intensity as:

- a) Preferential Trade Agreement (PTA), which is formed with the reduction of custom duties (mainly tariffs) on trade among members relative to those on trade with nonmembers.
- b) Free Trade Area (FTA), which involves the elimination of tariffs and quotas on the trade among Member countries.
- c) Customs Union (CU), which goes a step further than the FTA as in addition to free trade within the union, there is a common external tariff (CET) against non-members.
- d) Common Market (CM), which is a CU that allows for the free movement of factors of production among Member countries. Thus, it encompasses intra-union free trade, a common external tariff against non-member countries and free

movement of factors of production (labor and capital) within the union.

e) Economic and Monetary Union (EMU), which is a common market in which there is a single currency and monetary policy and in which maior economic policies (particularly fiscal policy) are coordinated or harmonized. Often, there is a compensation policy, which involves transfer of income poorer disadvantaged or to Members of the Union.

The European Union (EU)

Since the early 1950s, the EU has been a pioneer in regional integration. The most important principles underlying the success of the EU project include: Visionary politicians, such as Robert Schuman of France, and Konrad Adenauer of Germany, who conceived of a new form of politics based on the supranational "community method" rather than the traditional balance-ofpower model; leadership generated by the Franco-German axis; the political will to share sovereignty and construct legally based. common strong. institutions to oversee the integration project; and a consensus approach combined with solidarity and tolerance. The EU was created in the aftermath of the Second World War. The first steps were to foster economic cooperation: the idea being that countries who trade with one another become economically interdependent and so more likely to Now comprising 28 avoid conflict. countries that together cover much of the European continent, the Treaty of Rome signed in March 1957 and established in January 1958, created the EU by an initial six countries (Belgium,

Germany, France, Italy, Luxembourg and the Netherlands) as an European Economic Community (EEC), purposely for increasing economic cooperation, the EEC was later transformed from just an economic union to a unique economic and political partnership by the Treaty of Maastricht in November 1993, which established the EU on the foundation of the pre-existing EEC.

To achieve its Europeanization dream with lessons from previous challenges, the EU has adopted what Fraser put it 'a more flexible Cameron approach' resulting in a multi-speed Europe with several tiers of integration. For example, not all Member states are in the Eurozone, or in the Schengen passport-free zone; this arrangement has allowed some of the more Euro-skeptic countries such as the United Kingdom (UK) to opt out of certain obligations. Nevertheless, the core tenet of the EU is readiness to share sovereignty and operate through strong common institutions. With an estimated population of 508 million citizens, the EU has developed a single market through a standardized system of laws that apply in all Member states, ensuring the freedom of movement of people, goods, services, and capital. EU also maintains common policies on trade, agriculture and regional development. One of the greatest achievements of EU is perhaps the adoption by 16 Member states a common currency (the euro) generally referred to as Eurozone. The EU operates through a hybrid system of institutions supranational and intergovernmental negotiated decisions Member by states. Important institutions and bodies of the EU include: the European Commission: the

Council of the European Union; the European Council; the European Parliament; the European Court of Justice; and the European Central Bank.

European Integration

According to Howorth, the story of European integration began with defense. The Treaties of Dunkirk (1947), and especially the Treaty of Brussels (1948), were primarily geared to forging a security community, which would banish any further prospect of war. But the demand of sovereignty and the sheer complexity of European security problem ruined the first attempt at defense integration, the European Defense Community, in the early 1950s. At the founding of the EEC, since renamed the European Community, the main concern was the creation of a peaceful and prosperous Europe after the Second World War, and the primary mechanism for achieving this was a common market and in 1968, legislation on the free movement of workers was already in place.

The EEC was, above all, a shared peace and prosperity plan that consolidated the reconciliation between Germany and its former enemies better than any other European international agreement. integration was not only conceived as an alliance of interests but was also founded on values and ideals, that is to say, on an ethical vision which rose above political convenience and everchanging power games (ibid.). Weiler posits that thanks to this desire to be an ethical community, Europe is today not only an empirical reality; it is also an idea, a project of a 'better community' or polity. The method chosen for European integration was based on coalitions of interests and guided by

political and bureaucratic elites bent on resolving specific economic problems. On the other hand, most political and historical analyses of integration, from realist or neo-realist perspectives, insisted on national interests and calculations of political benefit to the ruling class at each step.

A clear turning point in theorizing European integration was marked by the Single European Act of 1986, which set schedule for completing the the common market with encompassing free trade arrangements, free movement of workers and capital and a monetary union. The Treaty of Lisbon probably ended an intense period of almost 20 years of continuous reform of the European treaties, which began in 1990 with the negotiation of the Maastricht Treaty. In this period, the EU has increased the number of its Member States and has acquired ever more competences and assigned tasks.

The EU Free Movement Policy

The principle of free movement is considered to be one of the key policies of the EU. The development of the EU is very closely linked to the 'four freedoms': the free movement of goods; the free movement of persons (including free movement of workers, and freedom of establishment); the freedom to provide services; and the free movement of capital. From a political viewpoint, free movement is perceived as an deepen instrument European to integration at the societal level. The action plan for skills and mobility makes it clear that individuals who have tasted free movement rights are expected to better appreciate European citizenship and endorse European

unification more wholeheartedly than the rest of the populations.

Article 3(2) of the Treaty on European Union (TEU); Article 21 of the Treaty on the Functioning of the European Union (TFEU); as well as Titles IV and V of the TFEU provides the legal basis of the EU free movement. According to the European Parliament, freedom of movement and residence for persons in the EU is the cornerstone of Union citizenship, which was established by the Treaty of Maastricht in 1992. Its practical implementation in EU law, however, has not been straightforward. It first involved the gradual phasing-out of internal borders under the Schengen agreements, initially in just a handful of Member States. Today, the provisions governing the free movement of persons are laid down in Directive 2004/38/EC on the right of EU citizens and their family members to move and reside freely within the territory of the Member States. although substantial implementation obstacles persist. Free movement within EU was originally focused on those who were 'economically active' such as workers and self-employed persons, and those giving or receiving services. Free movement was therefore intended to support the development of the EU labor market where workers could move across the EU to fill skills and employment gaps and improve their own economic opportunities.

Since the Treaty establishing the European Community (TEC) entered into force in 1993, establishing the EU, the concept of European citizenship has been enshrined in Treaty law (Articles 17-22 and 255), making regulations on free movement to be based on the

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concept of 'European Union citizenship', which is comparatively new compared with the idea of free movement within the EU itself. Citizenship of the Union does not replace national citizenship, but complements it. In practice, this means that anyone who holds the nationality of a EU Member State is automatically a European citizen.

Table 1: EU legislation on free movement

1957	1968	1990	1992	2004	2006	2007
Treaty of Rome	Main legislation concerning free movement of workers	Three Directives: Students, Pensioners, Non-actives	EU Citizenship	Enlargement (Transitional measures)	New Residence Directive 2004/38/EC	Enlargement (Transitional measures)
	of workers					

Source: Adapted from Touzenis (2012), UNESCO migration studies 4.

Bv 1968 legislation on the free movement of workers, such as European Council Regulation No. 1612/68 of 15 October 1968 on the Free Movement of workers within the Community, was already in place, but it has since been superseded by Directive 2004/38/EC, in force from 2006. According to Hailbronner. free movement has never been unlimited, however, and together with its implications for life in the host nation, has resulted in the development of a significant and complex body of law. The Treaty of Nice, signed in 2001 and entered into force in 2003. facilitated legislation relating to free movement and residence by introducing qualified majority decision-making in Council. The legislative basis for the free movement of workers is found in Article 39 of the TEC and the general right to move and reside freely within the EU is embodied in Article 18:

a) Every citizen of the Union shall have the right to move and reside

freely within the territory of the Member States, subject to the limitations and conditions laid down in this Treaty and by the measures adopted to give it effect.

b) The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, may adopt provisions with a view to facilitating the exercise of the rights referred to in paragraph 1.

• The Schengen Area

The key milestone in establishing an internal market with free movement of persons within EU was the conclusion of the two Schengen agreements (the agreement proper of 14 June 1985, and implementing Convention the the Schengen Agreement, which was signed on 19 June 1990 and entered into force on 26 March 1995). On 14 June 1985, representatives from Belgium, France, Germany. Luxembourg and the Netherlands met near the little town of Schengen in Luxembourg to sign the Schengen agreement, which called for the elimination of all passport and other checks between participating countries and established a single external border. However, the provisions of the agreement were not put in place until a later date. At that time, the Schengen area was viewed as a sort of laboratory, testing the creation of a common passport area before expanding Schengen to the entire EU.

Currently, there are 26 full Schengen Members: 22 EU Member States plus Norway. Iceland. Switzerland and Liechtenstein (which have associate status). After signing of the Schengen Convention by the initial five countries intending to put the common area into practice, other countries soon signed up to Schengen, beginning with Italy in 1990, Portugal in 1991, Spain in 1992, Austria in 1995, and Finland, Sweden and Denmark in 1996. Norway and Iceland had long been part of a Nordic passport union with Denmark. Finland and Sweden, so although neither Norway nor Iceland is a Member of the EU, both joined the Schengen area in 1996 to preserve this union. Denmark also maintains a unique position in regard to Schengen in that, unlike other Schengen countries, it can choose whether or not to apply any new decisions made under the Schengen Bulgaria, Romania and agreement. Cyprus are due to join, though there are delays for differing reasons. Croatia began the application process to accede to the Schengen area on 1 July 2015.

The Treaty of Amsterdam formally incorporated Schengen into the framework of the EU as the Schengen acquis when it came into force in 1999. The Schengen acquis include the

Schengen Agreement of 1985 and the Schengen Convention of 1990, as well as various decisions and agreements adopted in the implementation. With Amsterdam, decision-making power for Schengen came under the Council of Ministers of the EU. Although Schengen had officially become part of the EU, the agreement did not apply to all Member States. The UK initially opted out, preferring to maintain its own national borders. Ireland followed suit in order to maintain its Common Travel Area with the UK. However, the UK and Ireland do participate in some aspects of Schengen, including the Schengen Information System.

While the original intent of eliminating border controls was to facilitate the movement of citizens from participating countries, it was not possible to eliminate border checks for these travelers while still maintaining checks for travelers from outside countries. For national security reasons, countries under Schengen may re-establish their national border checks for a short period if necessary. This flexibility has allowed Schengen to remain intact even in times where signatory states experience significant concerns as a result of exceptional events. The Schengen agreement also provides administrative measures regarding exit and entry. With regards to the measures, the Schengen Member States shall allow union citizens to enter their territory with a valid identity passport and no entry visa or equivalent formality may be imposed on them. It further provides that, the host Member State must not place an entry or exit stamp in the passport of family members who are not nationals

of a Member State provided that they present a residence card.

Despite the successes chalk by the Schengen agreement, the EU faces an increasing threat arising from the influx of refugees coupled with the November 2015 Paris terrorist attack. According to the European Parliament, while the Schengen area is widely regarded as one of the primary achievements of the EU, it has been placed under considerable strain by the unprecedented influx of refugees and migrants into the EU in 2015. The sheer numbers of new arrivals prompted Germany followed by Austria and Slovenia to temporarily reintroduce checks at the internal Schengen borders in September 2015, as provided for in the Schengen Borders Code. The ongoing challenges have served to underline the inextricable link robust external between border management and free movement inside those external borders.

• Free movement of workers within EU

Speaking of free movement of 'workers' in the EU after Directive 2004/38/EC may be rather misleading, as according to the directive, the right to free movement is not a right of workers but of 'EU citizens' in general. However the directive still distinguishes between economically active and non-active EU citizens, this distinction not having been fully abandoned in favor of the status of 'Union citizen'. The basis for the free movement of workers is found in Article 39 of the TEC:

- 1) Freedom of movement for workers shall be secured within the Community.
- 2) Such freedom of movement shall entail the abolition of any

discrimination based on nationality between workers of the Member States as regards employment, remuneration and other conditions of work and employment.

- It shall entail the right, subject to limitations justified on grounds of public policy, public security or public health:
- a) To accept offers of employment actually made;
- b) To move freely within the territory of Member States for this purpose;
- c) To stay in a Member State for the purpose of employment in accordance with the provisions governing the employment of nationals of that state laid down by law, regulation or administrative action;
- d) To remain in the territory of a Member State after having been employed in that state, subject to conditions which shall be embodied in implementing regulations to be drawn up by the Commission.
- 4) The provisions of this article shall not apply to employment in the public service.

The Economic Community of West African States (ECOWAS)

In Africa, regional unity is seen as a possible solution to the continent's deep and prolonged economic and social crisis, at a time when private energies are being released thanks to the strengthening of civil society, deregulation, privatization of national economies and the continuing decline of state-imposed barriers to inter-country flows is paving the way for increased regional trade. As one often speaks of the "new regionalism", the Economic Commission for Africa (ECA) became the champion of regional integration, already in the mid-1960s proposing the division of Africa into regions for the purposes of economic development. Current African integration arrangements can be divided into two broad groups: those that fit into the Lagos Plan of Action (LPA) adopted in April 1980, and those that were either in existence or came about outside the LPA. The Lagos Plan was promoted by the ECA and launched in a special initiative by the African Union. It envisaged three regional arrangements aimed at the creation of separate but convergent and over-arching integration arrangements in three sub-Saharan subregions. West Africa would be served by the ECOWAS, which pre-dated the Lagos Plan.

Regional aspirations as shared by West African statesmen, intellectuals, and citizens alike reflected a general desire to break the confines of the nation-state, and a denial of all that divides the region, including the multiple barriers to the free movement of goods and services, people, and capital among countries, and differences in legal, governmental, and educational led to the creation of structures. ECOWAS. ECOWAS is a regional group of fifteen (15) countries, founded in May 28, 1975 by the ECOWAS Treaty (Treaty revised in 1993) in Lagos, Nigeria. Initially consisting of sixteen (16) countries in the Sub-region, Mauritania decided to withdraw in 1999. reducing the regional bloc to fifteen countries namely: Benin, Burkina Faso,

Cape Verde, Côte d'Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo. The vision that the founding fathers had for the creation of ECOWAS was one of collective selfsufficiency through the integration of the sixteen West African countries into an economic block with a single market organized around an economic and monetary union. This concern was born out of the realization that the domestic markets of the Member States taken individually were, as a result of their smallness, far from being competitive in a world environment marked by the existence of large trade blocks. mission promoting ECOWAS is cooperation and integration with the establishment of a West African Economic Union as an ultimate goal. The ECOWAS Treaty was revised in 1993 to accelerate the process of integration and establish an economic and monetary union to stimulate economic growth and development in West Africa with the following objectives:

- a) The removal of customs duties for intra-ECOWAS trade and taxes having equivalent effect;
- b) The establishment of a common external tariff;
- c) The harmonization of economic and financial policies; and
- d) The creation of a single monetary zone.

ECOWAS institutional design is loosely patterned after the EU. By Article 6 of the Revised Treaty, the Institutions of ECOWAS are as follows: the Commission; the Conference of Heads of State and Government; the Council of Ministers; the Executive Secretariat; the Community Parliament; the Economic and Social Council; the Community Court of Justice; the West African Organization (WAHO): Health ECOWAS Bank for Investment and Development (EBID): **ECOWAS** Regional Development Fund (ERDF); ECOWAS Regional Investment Bank (ERIB); West African Monetary Agency Monetary (WAMA); West African Specialized Institute (WAMD: **ECOWAS** Technical Commission: Court of International Arbitration; and the ECOWAS e-Press Agency. The ECOWAS Commission and the ECOWAS Bank for Investment and Development often called "The Fund" ECOWAS main are institutions designed to implement policies, pursue a number of programs and carry out development projects in Member States. ECOWAS has had many achievements to its credit, in particular in the areas of free movement of people and goods, transport. telecommunications. management conflicts of and peacekeeping. Remarkable changes have occurred in West Africa since the signing of the ECOWAS Treaty1 in 25 Mav 1975 just as the external undergone environment has considerable changes. Regional integration within the **ECOWAS** framework has been the ultimate goal and is been pushed to the limit despite the obvious difficulties.

Regional Integration in the ECOWAS

In a Post-Cold War world order that has witnessed the emergence of successful economic groupings in Europe and elsewhere in the world, regional integration is the key to political and socio-economic stability, successful nation building and political independence in the long run for West African states. The United Nations Economic Commission for Africa (UNECA) identified ECOWAS as one of Africa's most promising sub-regional organizations in its 2004 report "Accessing Regional Integration in Africa" stating that ECOWAS had achieved an 'above average' integration rating of at least 6 percent (6%) between 1994 and 1999. Not surprisingly, the EU has become an irresistible reference point openly cited by West African leaders and bureaucrats as a worthy example of a regional integration scheme and mentor of sort.

There are a number of peculiar features in West Africa, which have definitely influenced trends in integration. Not only does the area have some of the densest populations in Africa, it also contains the largest number of individual nations, fifteen and embraces three different agro-ecological zones against the one or two zones of other The experience of African regions. West Africa with formal regional integration has been largely driven by the desire to overcome the constraint of small economic size, which was hampering their ability to industrialize efficiently, by extending the logic of protected and state-led economic development to a larger number of The overall objective of countries. ECOWAS is to promote co-operation and integration in order to create an economic and monetary union for encouraging economic growth and development in West Africa. In order to do this, the following actions are envisaged:

a) The suppression of customs duties and equivalent taxes

- b) The establishment of a common external tariff;
- c) The harmonization of economic and financial policies
- d) The creation of a monetary zone.

ECOWAS saw regional integration as a multi-step process eventually leading to a customs union and then a common market integrating states in the West African sub-region politically and culturally. It is important to note that, progress in ECOWAS to establish a free trade area has been very slow and the customs union is still work in progress, in view of the slowness in the progress recorded by ECOWAS, the 1975 treatv has been revised. The principle of suprain the application nationality of decisions and the autonomous funding of the budgets of the institutions has been introduced. Furthermore, the creation of supranational institutions of control and arbitration has been application envisaged the in of decisions: а court of justice. а parliament and an economic and social council. West Africa has nurtured a large number of inter-governmental organizations active on integration issues. Despite the 'natural instinct' for integration. most of them have performed poorly, however, in spite of the difficulties, ECOWAS has chalked up remarkable progress in the area of free movement of persons; construction regional (inter-State) roads. of development of telecommunication links between the States and maintenance of peace and regional security. It is in the area of the integration of markets that the efforts of the Community have been frustrating. In fact, the trade liberalization scheme is not yet operational as shown by the low

level of the intra-regional trade, which is only 11% as compared to trade with third countries. Besides, the common ECOWAS external tariff has still not seen the light of day and the economic and financial policies have not been harmonized although a framework has been established.

ECOWAS Free Movement Protocol

Perhaps the free movement of persons without visa within West Africa has been a major achievement of ECOWAS and it seems to be the only regional common policy that can literally rivals the EU in terms of regional integration efforts. The free movement of persons is considered to be a key component towards the economic growth of the Community that will enhance the flexibility and availability of labor in the sub-region while enlarging opportunities The ECOWAS Treaty for workers. covered almost all fields of economic activity, with Article 27 of the Treaty affirming a long-term objective of the establishment of а Community citizenship that could be acquired automatically by all nationals of the Member States. This reinforced the preamble to the treaty that outlined the key objective of removing obstacles to the free movement of goods, capital and people in the sub-region.

As already noted, the 1975 ECOWAS Treaty and its subsequent revision in1993 seeks to strengthen sub-regional economic integration through the progressively freer movement of goods, capital and people and to consolidate Member States' peace and security efforts. Yet since the inception of ECOWAS, free movement of persons and goods within the sub-region has not been fully realized. Incompatibilities in immigration and customs policies, monetary zones, and official languages among Member States, have impeded process of integration. These the challenges have compelled ECOWAS to transform its conceptual notion of "ECOWAS of States" to "ECOWAS of People," in which the people would be the focus of regional unification, rather than the state. For reasons of national security, public order and protection of the labor market, prior to the creation of ECOWAS most West African countries operated expatriate quota schemes and imposed entry visa requirements. Some bilateral agreements, however, already allowed for free movement such as that between Ghana and Togo or the exchange of notes between Nigeria and Côte d'Ivoire in November 1964 on visa abolition

On 29 May 1979 in Dakar, four years after the ECOWAS treaty in 1975. The ECOWAS Protocol on Free Movement was conceived as an instrument to enable free movement of ECOWAS citizens within the sub-region, and it was conceived as one of the bedrocks of regional integration efforts in West Africa. The ECOWAS 1979 Protocol A/P.1/5/79 relating to Free Movement of Persons. Residence and Establishment sets out the right of Community citizens to enter, reside and establish in the territory of Member States in a three-phased approach over fifteen years to the implementation of (I) right of entry and abolition of visas, (II) right of residence and (III) right of establishment. The protocol in setting a limit gave the exclusive right to Member states to refuse admission to any Community citizens who are considered inadmissible under the Member State's

own domestic law. The initial 1979 protocol was supplemented bv subsequent four supplementary protocols adopted between 1985 and protocols 1990. These additional committed ECOWAS Member countries to among other things:

- a) Provide valid travel documents to their citizens
- b) Grant Community citizens the right of residence for the purpose of seeking and carrying out income-earning employment
- c) Ensure appropriate treatment for persons being expelled
- d) Not to expel Community citizens en masse
- e) Limit the grounds for individual expulsion to reasons of national security, public order or morality, public health or non-fulfillment of an essential condition of residence.

1988. In two years after the Supplementary Protocol on the Right of Residence. ECOWAS decided on the introduction of harmonized а immigration and emigration form to be used only in 'exceptional cases' (Decision C/DEC.3/12/92, Article 1.2.a). In principle, ECOWAS nationals travelling with their national passports or the ECOWAS Travel Certificate may have these documents stamped without filling out any forms. In the year 2000, ECOWAS passport was introduced as a breakthrough of the dream of free movement. The ECOWAS passport was designed to replace national passports to further facilitate the mobility of people throughout West Africa. However, the ECOWAS passport policy ostensibly designed to bring about such free flows of labor across borders, national leaders are often cautious about the effect that such a policy might have on their domestic labor markets. One fear is that by opening up a country's borders to the influx of foreign labor, the already limited job opportunities available to local residents will be put under greater pressure from outside labor competition, a fear particularly evident in countries that perceive themselves to be at a disadvantage in terms of skilled labor compared to their neighboring countries. ECOWAS relentless efforts for regional integration using free movement of persons and goods as the cardinal point continued and on 27 March 2000 in Abuja, a mini Summit of ECOWAS Heads of State and Government were held on the creation of a Borderless ECOWAS. Again, at the 33rd Ordinary Session of ECOWAS Head of States in Ouagadougou, ECOWAS common approach on migration was adopted.

The road to full mobility in ECOWAS was supposed to follow three successive phases of deeper transition over a period of 15 years. Yet, despite the ambitions of the initial Free Movement of Persons Protocol, the ECOWAS Secretariat reports that there are still many lingering challenges to policy's the full implementation. Getting rid of visa requirements, for instance, has not spared citizens of the Community administrative harassment and extortion at border posts and there are still many security checks points set up along international roads. Sesav and Omotosho pointed out that, although the agreement has led to easy movement within the region especially for citizens travelling by air, those travelling by road still face serious obstacles, delays and even extortion in the hands of

security agencies. Similar view is shared by Aryeteey who also pointed out that, despite the ratification of the initial protocol and additional supplementary protocol, free movement of persons and development of intra-community trade are still impeded by: cumbersome procedures at border posts, involving considerable delays for travelers; numerous illegal road blocks along African highways; possible West requests produce extortion. to unnecessary documents, and demand for illegal levies; national regulations in several Member States which run contrary to the provisions of the ECOWAS protocol; and failure of ECOWAS visitors to regularize their stay. At the opening of the 66th Ordinary Session of the ECOWAS Council of Ministers, the Chairman of ECOWAS Council of Ministers Olugbenga Ashiru Ambassador lamented that "It is regrettable to note that the ECOWAS Protocol on Free Movement of Persons, Goods and Services and the Right of Residence and Establishment, a key element in our integration objectives, is yet to be fully implemented after 32 years". He pointed out that, the success of the ECOWAS Agricultural, Trade and Economic Development Programs was dependent on the implementation of the free movement protocol. He further noted that the completion of technical formalities and commencement of the construction works for the five Joint Border Posts along the Abidjan-Lagos, Cotonou-Niamey and Dakar-Bamako regional corridors, under the ECOWAS/EU Partnership agreement, would facilitate the free movement of

goods, services and persons within the region.

It is important to point out that, although ECOWAS citizens are allowed visa free entry into Member States country, ECOWAS citizens are required not to stay in the territory for a period exceeding 90 days. Where ECOWAS citizen decides to extend his stay beyond the 90 days, Article 3 of the Protocol requires the citizen to get authorization for further stay in the country, wholes Article 4 as noted in the paper gives Member States the right to refuse admission of a community citizen into its country if the citizen falls into the category of inadmissible immigrant according to the laws of the resident country.

Monetary measures

In order to further remove administrative barriers to the free movement of persons and goods, and mindful of the ECOWAS monetary cooperation program (intended to achieve, in the medium and long term,

the convertibility of West African currencies and the creation of a single ECOWAS currency), in 1992 the Council of Ministers issued a decision relating to the use of local currencies by Community citizens for payment of services rendered in connection with travel within the region. The aim was for all Member States to remove, in the short term, all non-tariff barriers of a То monetary nature. this end Community citizens were to be allowed to use local currencies for payment of airport taxes and hotel bills, and for the purchase of air tickets. The following twelve countries have removed all nontariff barriers of a monetary nature: Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, the Gambia, Guinea, Guinea-Bissau, Mali, the Niger, Nigeria, Senegal and Togo. Ghana demands only the payment of road transit tax in foreign exchange. The other three Member States still require that nonresidents purchase air tickets and pay airport taxes, etc., in foreign currency.

Table 2: Checkpoints along selected Intra-ECOWAS Highways in 1998/1999 asobstacles to free movement and intra-regional trade.High WaysDistancesCheckpointCheckpointCheckpoints posts

High Ways	Distances	Checkpoint	Checkpoints posts
			per 100km
Lagos-Abidjan	992Km	69	7
Cotonou-Niamey	1036Km	34	3
Lome-Ouagadougou	989Km	34	4
Accra-Ouagadougou	972Km	15	2
Abidjan-	1122Km	37	3
Ouagadougou			
Niamey-	529Km	20	4
Ouagadougou			

Source: Adapted from Sesay, A. & Omotosho, M. (2011). The Politics of Regional Integration in West Africa. WACSERIES Vol.2 No 2, OSIWA.

• Major features ECOWAS Protocol on Free Movement of Persons and the four Supplementary Protocols

The 1979 Protocol A/P.1/5/79 relating to Free Movement of Persons, Residence and Establishment

- Sets out right of Community citizens to enter, reside and establish in territory of Member states (Article 2(1)
- Establishes three-phased approach over 15 years to implementation of (I) right of entry and abolition of visas, (II) residence and (III) establishment (Article 2)
- Conditions entitlement to enter territory of Member state on possession of valid travel document and international health certificate (Article 3(1)
- Reserves right of member-states to refuse admission into territory of Community citizens deemed inadmissible under domestic law (Article 4)
- Establishes some requirements for expulsion (Article 11)
- Confirms that Protocol does not operate to detriment of more favorable provisions in other agreements concluded by Member states (Article 12)

The 1985 Supplementary Protocol A/SP.1/7/85 on the Code of Conduct for the Implementation of the Protocol on Free Movement of Persons, the Right of Residence and Establishment

- Obliges Member states to provide valid travel documents to their citizens (Article 2(1)
- Establishes additional (to Article 11 of Protocol) requirements for

treatment of persons being expelled (Article 4)

- Enumerates protections for illegal immigrants (Articles 5 and 7)

The 1986 Supplementary Protocol A/SP.1/7/86 on the Second Phase (Right of Residence)

- Requires states to grant to Community citizens who are nationals of other Member states 'the right of residence in its territory for the purpose of seeking and carrying out income earning employment' (Article 2)
- Conditions entitlement to residence (and thus seeking and carrying out of income earning employment) on possession of an ECOWAS Residence Card or Permit (Article 5) and harmonization by Member states of rules pertaining to the issuance of such cards and permits (Article 9)
- Prohibits expulsion en masse (Article 13) and limits grounds for individual expulsion to national security, public order or morality, public health, non-fulfilment of essential conditions of residence (Article 14)
- Stipulates equal treatment with nationals for migrant workers complying with the rules and regulations governing their residence in areas such as security of employment, participation in social and cultural activities, reemployment in certain cases of job loss and training (Article 23)

The 1989SupplementaryProtocolA/SP.1/6/89amendingandcomplementingtheprovisionsofArticle7oftheProtocolonFree

Movement, Right of Residence and Establishment

- Amends provisions of Article 7 of Protocol to confirm obligation on signatories to resolve amicably disputes regarding the interpretation and application of the Protocol (Article 2)

The 1990 Supplementary Protocol A/SP.2/5/90 on the Implementation of the Third Phase (Right to Establishment)

- Defines the right of establishment emphasizing non-discriminatory treatment of nationals and companies of other Member states except as justified by exigencies of public order, security or health (Articles 2-4)
- Forbids confiscation the or expropriation of assets or capital on a discriminatory basis and requires fair and equitable compensation where such confiscation expropriation or (Article 7)

Challenges of ECOWAS Regional Integration

One element among others that is generally seen as an impediment to regional integration in Africa at large (ECOWAS being no exception) is the fact that countries commonly belong to more than one regional arrangement - an overlap that may result in the duplication of responsibilities, potentially conflicting commitments and the waste of already scarce resources. According to Adewoye, one reason often cited for the low level of commitment to the development of supranational authorities (in Africa) is the absence of a culture of power sharing in the modern structures of politics in Africa. The EU was Africa's most important trade, investment and development partner, for instance a series of the Lome Conventions was the guiding principles of trade agreements that granted African countries а unilateral preferential access to EU Agreement markets. The Cotonou between EU and Africa also paved the way for the negotiation of the World Trade Organization (WTO) compatible Economic Partnership Agreements (EPA). in 2000 However. the protracted and difficult EPA negotiations reflect to some extent the difference between the African paradigm of regional integration and the EU's model regional of trade agreements, but also the challenges of African regional integration, Thus, the EPA negotiations revealed important gaps between political ambitions and economic reality in African regional integration.

West African regional integration has been marred by the unwillingness of aspects of their states to cede sovereignty in return for greater effectiveness and relevance of the institutions that they themselves have created. Few ECOWAS governments though have shown the political will to surrender sovereignty to supranational bodies. Many countries have been involved in several different arrangements at the same time. sometimes with conflicting goals and strategies. Further numerous challenges have been encountered by ECOWAS in the enhancement of the process of regional integration of West Africa. Among the most important of these challenges but not limited are: the political instability that have plagued many of the countries; the weakness of the national economies resulting in some cases Member States abandoning plans for long-term regional economic integration and development in pursuit of short term stabilization agendas; the absence of reliable transnational road networks; and the multiplicity of organizations for regional integration with the same objectives.

Conclusion

It is worth noting that a comparison of EU and ECOWAS regional integration policies especially the free movement policy has to take into consideration the very different levels of institutional and social development in both regions and also the level of implementation and of detail in the Treaties and/or Protocols governing the integration process. A quick look of the EU Treaties regarding regional integration and free movements shows how detailed and complex the Treaties are as compared with ECOWAS Protocols, which is more recent and less well established. The EU system of rules on free movement is based on Treaties and has equate freedom of movement to EU citizenship and also extends the freedom of movement to entails many detailed spheres of life which is not the case in ECOWAS. Common similarities however exist, for instance the various Treaties and Protocols covering EU and ECOWAS free movement policies respectively makes provisions or clauses that can be triggered by Member States to impose a temporary border control or restrict an individual movement when conditions demands for control or inadmissible of a persons to a member country.

The analysis in the paper clearly points to the conclusion that, the lack of political will by most West African leaders and governments to compromise has been one of the main factor hindering progress in **ECOWAS** integration process unlike the EU where political compromise is key to the EU success. According to Cameron. integration is a difficult process and there will invariably be setbacks and crises. Nevertheless, in the EU case, the Cassandras are nearly always proven wrong. The EU has an excellent record of re-covering from crises and moving ahead even stronger than before due to firm political will. The re-sounding lesson of the EU model, then, is the necessity of genuine investment by Member States in the goal of regional integration. While not always politically expedient, national governments would be wise to put the long-term goal of cooperation above more immediate domestic priorities. More importantly, if integration is to succeed, governments and publics should believe that it is in their vital national interest. Without such commitment, regional groupings will crumble at the first bump in the long road to integration.

Unlike the EU that has chalked many successes in its regional integration efforts, ECOWAS has been on the reverse due to largely the political instability and bad governance that have plagued many of ECOWAS countries as well as the weakness of the national economies. According to Aryeteey, regional integration has a rather long history in the developing world and in West Africa in particular. For many decades, however, it delivered next to nothing. The construction of the EU has

continued for more than five decades and remains an unfinished project. Despite its ebbs and flows, the assessment of the European integration process is positive and still at the forefront of regional integration experiences. As noted, ECOWAS integration efforts have been slow and clearly below expectations as expected from a small group of countries as compared to EU in terms of numbers,

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however, there are promising signs, which indicate better prospects for ECOWAS future. At least ECOWAS has made progress by further adopting and introducing a single themed ECOWAS passport just as the EU which itself does not issue ordinary EU passport but ordinary passport booklets issued by its 28 Member states share a common cover design.

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